

THE OFFICE OF CONTRACTING AND PROCUREMENT

NOTICE OF PROPOSED RULEMAKING

The Chief Procurement Officer of the District of Columbia, pursuant to authority granted by section 204 of the District of Columbia Procurement Practices Act of 1985 (“PPA”), effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-302.04 (2001)), and Mayor’s Order 2002-207 (dated December 18, 2002), hereby gives notice of the intent to adopt final rulemaking to add new subparagraphs 3205.1(i), 3205.1(j), 3205.1(k), 3205.1(l) and 3205.1(m) to Chapter 32 of Title 27, (Contracts and Procurement). The rulemaking is intended to ensure that: (a) the District of Columbia Public Schools (“DCPS”) will be able to make tuition payments to non-DCPS schools that provide education services for special education students under the jurisdiction of DCPS prior to the beginning of a regularly scheduled school semester or school session; (b) the Metropolitan Police Department (“MPD”) will be able to make tuition payments prior to the beginning of a regularly scheduled school semester or school session on behalf of MPD personnel when such tuition payments are authorized by District of Columbia law or regulations; (c) the Attorney General will be able to make payments for court transcripts, depositions, expert witness fees and other litigation and transactional related legal costs and expenses necessary and appropriate for the Attorney General to properly represent the District of Columbia prior to the receipt of such goods and services; (d) District of Columbia agencies, offices or departments will be able to make advance tuition or fee payments to third-party providers of training seminars or programs directly related to the duties of agency, office or department employees and upon written approval by the director of the agency, office or department, and (e) District of Columbia agencies, offices or departments will be able to provide for food and beverages to District of Columbia employees attending an authorized training seminar or program upon a determination in writing by the applicable agency, office or department director that provision of food and beverages is necessary and appropriate in order for the employees to obtain the full benefit of the training that is directly related to the employees’ duties.

The Chief Procurement Officer gives notice of intent to take final rulemaking action in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The Chief Procurement Officer will submit the rules to the Council of the District of Columbia for a sixty (60) day period of review pursuant to subsection 205(b) of the PPA (D.C. Official Code § 2-302.05(b)), and will not take final rulemaking action until completion of the 60-day review period or Council approval of the rules by resolution before the end of the review period.

CHAPTER 32

CONTRACT FINANCING AND FUNDING

Chapter 32 is amended by adding new subparagraphs 3205.1(i), 3205.1(j), 3205.1(k), 3205.1(l) and 3205.1(m) to read as follows:

3205 ADVANCE PAYMENTS

- 3205.1 (i) Notwithstanding subparagraphs (a) through (g) above, the contracting officer may authorize advance tuition payments to a responsible contractor who is a provider of special education services. The contractor may be paid tuition in advance of a school semester or session for each student enrolled with the contractor whose tuition has been approved for payment by the Chancellor of the District of Columbia Public Schools, or his or her designee;
- 3205.1 (j) Notwithstanding subparagraphs (a) through (g) above, the contracting officer may authorize advance tuition payments to a responsible contractor who is a provider of educational services or programs for Metropolitan Police Department (“MPD”) employees when such tuition payments are authorized by District of Columbia law or regulations. The contractor may be paid in advance of a school semester or session for each MPD employee enrolled with the contractor whose tuition has been approved for payment by the Chief of the MPD, or his or her designee, pursuant to District of Columbia law or regulations;
- 3205.1 (k) Notwithstanding subparagraphs (a) through (g) above, the contracting officer may authorize advance payments to a responsible contractor who provides court transcripts, depositions, expert witness testimony, or other litigation or transactional related legal services to the Attorney General upon the Attorney General’s determination that such advance payments are necessary and appropriate to enable the Attorney General to properly represent the District of Columbia;
- 3205.1 (l) Notwithstanding subparagraphs (a) through (g) above, the contracting officer may authorize advance payments to a responsible contractor who is a provider of training seminars or programs directly related to the duties of the applicable agency, office or department employees. The contractor may be paid in advance of a training seminar or program for each employee enrolled in a training seminar or program whose tuition or fee has

been approved in writing by the applicable agency, office or department director; and

- 3205.1 (m) Notwithstanding subparagraphs (a) through (g) above, the contracting officer may authorize advance payments to a responsible contractor who is a provider of food and/or beverages for the agency, office or department employees attending a training seminar or program authorized by the applicable agency, office or department director, or his or her designee, and upon a determination in writing by the applicable agency, office or department director that provision of food and beverages is necessary and appropriate in order for the employees to obtain the full benefit of the training that is directly related to the employees' duties.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to the Chief Procurement Officer, 441 4th Street, 700 South, Washington, D.C. 20001. Comments must be received no later than thirty (30) days from the date of publication of this notice in the *D.C. Register*. A copy of this proposed rulemaking may be obtained at the same address.